

1 Stephen G. Opperwall (SBN 100057)
LAW OFFICES OF STEPHEN G. OPFERWALL
2 4900 Hopyard Road, Suite 100
Pleasanton, California 94588
3 Telephone: (925) 417-0300
Facsimile: (925) 417-0301
4 E-mail: steve.opperwall@comcast.net

5 Attorneys for Creditor
Professional Bank
6
7

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 In Re:)	No. 21-50028 SLJ 7
13 Evander Frank Kane,)	Chapter 7
14)	
15 Debtor,)	
16)	
17)	
18)	
19)	

20
21 OPPOSITION BY PROFESSIONAL BANK TO TRUSTEE'S
22 MOTION TO CONVEY EQUITY IN REAL PROPERTY [ECF
23 #43]
24

25 Professional Bank opposes the Chapter 7 trustee's motion [ECF
26 # 43] regarding equity in the real property that Debtor Kane
27 identifies as his house in San Jose.

28 Professional Bank contends that there is no homestead

1 exemption at all, and certainly not one for \$600,000, and the
2 amount of equity in the property is therefore not as the trustee's
3 motion assumes, and the equity should be used to pay the creditors
4 of the Debtor.

5 See the "Objections by Professional Bank to Debtor's claimed
6 homestead exemption" that are being filed on 3/25/21. As stated
7 there, Professional Bank contends that there should be no homestead
8 exemption for Debtor Kane. Alternatively, Professional Bank
9 contends that any homestead exemption would be far less than
10 \$600,000. The trustee's motion is based on the assumption that
11 there is a \$600,000 homestead exemption. The trustee's motion does
12 not establish that there should be a \$600,000 homestead exemption.
13 If there is no homestead exemption, or if there is no \$600,000
14 homestead exemption, then the trustee's motion is lacking in a
15 fundamental premise. Professional Bank contends that the \$600,000
16 should be paid to creditors.

17 See also the objections by any other creditors about the
18 claimed homestead exemption.

19 See also any opposition to the trustee's motion filed by any
20 other creditor.

21

22 Dated: March 25, 2021

LAW OFFICES OF
STEPHEN G. OPPERWALL

23

24

/s/ Stephen G. Oppewall

25

STEPHEN G. OPPERWALL
Attorneys for Creditor
Professional Bank

26

27 motion.trustee.convey.equity.OPPO.PB.doc.wpd

28